

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of Texas

2019 OCT -7 AM 10:50

United States of America

v.

Ferreira-Alves, Alailson
Sousa Nascimento Alves, Patricia
Nascimento-Alves, Jhenyfer Loren

Case No.

EP-19-M-8805-LFC (1)(2)(3)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 3, 2019 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

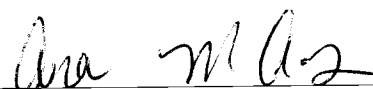
18 U.S.C. 371

Offense Description

Two or more persons conspire to commit any offense against the United States, to defraud the United States, or any agency, in any manner or for any purpose.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Ana M. Avalos, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/07/2019

Judge's signature

City and state: El Paso, Texas

Robert F. Castaneda - U.S. Magistrate Judge

Printed name and title

Oath Telephonically Sworn
At 1:08 PM
Fed.R.Crim.P.4.1(b)(2)(A)

AFFIDAVIT

On October 3, 2019, at approximately 2:00 a.m., Alaison FERREIRA-Alves (hereafter FERREIRA-Alves), Patricia SOUSA Nascimento Alves (hereafter SOUSA), and Jhenyfer Loren NASCIMENTO-Alves (hereafter NASCIMENTO-Alves), were arrested by the United States Border Patrol (USBP) Agents as they attempted to illegally enter the United States from Mexico approximately 1.18 mile west of the Paso Del Norte Port of Entry in El Paso, Texas. In this area, the Rio Grande River serves as the International Boundary between Mexico and the United States. The place where FERREIRA-Alves, SOUSA, and NASCIMENTO-Alves attempted to enter the United States has not been designated as an official port of entry by an immigration Officer of the United States, therefore, FERREIRA-Alves, SOUSA, and NASCIMENTO-Alves were not legally inspected, admitted, or paroled into the United States.

FERREIRA-Alves, SOUSA, and NASCIMENTO-Alves freely admitted that they were citizens and nationals of Brazil with no documents or status that would allow them to be in or remain in the United States legally. FERREIRA-Alves claimed NASCIMENTO-Alves was a minor and presented themselves as a family unit (father/mother/ juvenile daughter). FERREIRA-Alves, SOUSA, and NASCIMENTO-Alves were arrested and transported to the El Paso Border Patrol Station for further processing.

At the USBP Station, FERREIRA-Alves and SOUSA identified themselves as the biological parents of NASCIMENTO-Alves. FERREIRA-Alves presented their duly issued Brazilian Passport that bore their names, dates of birth, and likeness. FERREIRA-Alves presented counterfeit Brazilian Passport # FG141119 on behalf of NASCIMENTO-Alves. The counterfeit passport bore NASCIMENTO-Alves' name and identified her as a minor, born in 2002. NASCIMENTO-Alves provided the date of birth depicted on the passport to intake officers, which identified her as a minor. All passports have Mexican Customs stamps dated October 1, 2019.

On October 4, 2019, Homeland Security Investigations (HSI) Special Agent (SA) Ana Avalos began an investigation regarding the misuse of documents to gain entry to the United States. SA Avalos met with USBP Agent Jose Chavez who interviewed all three parties. USBP Agent Bernardo Hernandez, a native Portuguese speaker, served as the translator for the interviews. Below are summaries of all interviews, it is not intended to be a verbatim account and does not memorialize all statements made during the interviews. SA Avalos learned the following:

On October 3, 2019, USBP Agent Chavez, witnessed by USBP Agent Bernardo Hernandez presented FERREIRA-Alves his rights per Miranda Warning in the Portuguese language. FERREIRA-Alves read the warnings and stated he understood his rights and agreed to speak with the agents without an attorney present. FERREIRA-Alves was also provided with a written, Title 18 USC 1001 Form in Portuguese which he acknowledged and signed.

FERREIRA-Alves stated he left Brazil on or about Sunday September 28, 2019, and flew into Mexico with his wife and biological daughter whom he claimed was 17 years of age. FERREIRA-Alves admitted to hiring a smuggler, "Vito" to help him enter the United States. Vito provided FERREIRA-Alves with a point of contact in the US who was supposed to help him, and his family obtain employment. When asked about the legitimacy of the Brazilian passports, FERREIRA-Alves stated all passports were legitimately issued to them in Brazil. Agents explained NASCIMENTO-Alves' passport had been deemed fraudulent to which FERREIRA-Alves responded that he was not sure of the legitimacy since it had been given to him by the Brazilian authorities.

FERREIRA-Alves was reminded of the implications of lying to a federal officer at which time FERREIRA-Alves recanted all his previous statements and admitted to being coached by Vito on what to say and what documents to present to USBP Agents to successfully pose as a legitimate family unit with a minor daughter since he was fully aware that it was easier to be released into the United States if he was with a minor. FERREIRA-Alves admitted NASCIMENTO-Alves was 19 years old and knew the Brazilian passport was fraudulently manufactured by Vito's acquaintances. FERREIRA-Alves admitted he agreed, along with SOUSA, NASCIMENTO-Alves, and Vito, to present a fraudulent passport of behalf of NASCIMENTO-Alves to US immigration authorities.

SA Avalos met with FERREIRA-Alves and reminded him of his rights. FERREIRA-Alves stated he understood and agreed to speak with the agent without an attorney present.

FERREIRA-Alves stated SOUSA and NASCIMENTO-Alves were fully aware of the agreement he made with Vito and were willing to participate. FERREIRA-Alves sat them down and explained Vito promised to get them into the U.S. but, they had to falsely represent NASCIMENTO-Alves a juvenile. This conversation happened in Brazil and FERREIRA-Alves admitted it was his idea to hire Vito with SOUSA and NASCIMENTO-Alves in agreement. FERREIRA-Alves signed a contract with Vito and agreed to pay him \$20,000 for his services.

On October 3, 2019, USBP Agent Chavez, witnessed by USBP Agent Bernardo Hernandez presented SOUSA her rights per Miranda Warning in the Portuguese language. SOUSA read the warnings and stated she understood her rights and agreed to speak with the agents without an attorney present. SOUSA was also provided with a written, Title 18 USC 1001 Form in Portuguese which she acknowledged and signed.

SOUSA confirmed the line of travel provided by FERREIRA-Alves and the arrangements made with the smuggler Vito. At first SOUSA stated several times NASCIMENTO-Alves was a minor and that the passport presented on her daughter's behalf was legitimate and all the information on it was correct. SOUSA was made aware of FERREIRA-Alves' admissions at which time SOUSA recanted her previous statements and admitted the biological page of the passport was altered to present NASCIMENTO-Alves as a juvenile. SOUSA admitted NASCIMENTO-Alves was 19

years old born in 2000. SOUSA stated she was just trying to help FERREIRA-Alves since it was his idea to travel to the U.S. and to have NASCIMIENTO-Alves pose as a juvenile for their benefit.

SOUSA stated she paid about \$400 to a smuggler and was fully aware of the agreement between FERREIRA-Alves and Vito. SOUSA stated she agreed to help FERREIRA-Alves get into the United States by making NASCIMIENTO-Alves pose as a juvenile. SOUSA knew she was committing a crime and agreed to lie to immigration authorities to get released as a family unit.

SA Avalos met with SOUSA and reminded him of her rights. SOUSA stated she understood and agreed to speak with the agent without an attorney present.

SOUSA stated all arrangements made with Vito were done by FERREIRA-Alves. SOUSA stated FERREIRA-Alves spoke to her and NASCIMIENTO-Alves about the trip and having to change NASCIMIENTO-Alves' age to make her a juvenile. SOUSA stated she knew if they presented themselves as adults, they would not be able to stay in the U.S. as a family and would be deported. SOUSA admitted to knowing the passport presented for NASCIMIENTO-Alves was fraudulent and did not correct the incorrect information to USBP Agents.

SOUSA stated she had to pay money back to Vito but was not sure of how much or when. SOUSA admitted to traveling to Mexico by plane with FERREIRA-Alves, and NASCIMIENTO-Alves. NASCIMIENTO-Alves presented the fraudulent passport to seek admission into Mexico while SOUSA and FERREIRA-Alves used their duly issued Brazilian passports.

On October 3, 2019, USBP Agent Chavez, witnessed by USBP Agent Bernardo Hernandez presented NASCIMIENTO-Alves her rights per Miranda Warning in the Portuguese language. NASCIMIENTO-Alves read the warnings and stated she understood her rights and agreed to speak with the agents without an attorney present. NASCIMIENTO-Alves was also provided with a written, Title 18 USC 1001 Form in Portuguese which she acknowledged and signed.

NASCIMIENTO-Alves stated SOUSA and FERREIRA-Alves were her biological parents and corroborated travel information they had provided. NASCIMIENTO-Alves denied using services of a smuggler. NASCIMIENTO-Alves was reminded of the penalties she may face if she kept providing false or misleading statements to federal agents. NASCIMIENTO-Alves continued to insist that she was a minor and all the information on her passport was correct.

NASCIMIENTO-Alves was made aware of the statements made by SOUSA and FERREIRA-Alves at which time she admitted she was the key to the agreements. She was aware they had to pose as a family unit with a minor in order to stay in the U.S. together. NASCIMIENTO-Alves knew she would stay in custody until the time of her deportation if she presented herself as an adult. NASCIMIENTO-Alves admitted to being 19 years old and not 17 as the fraudulent passport depicted. NASCIMIENTO-Alves provided her correct date of birth.

SA Avalos met with NASCIMIENTO-Alves and reminded her of her rights. NASCIMIENTO-Alves stated she understood and agreed to speak with the agent without an attorney present.

NASCIMIENTO-Alves admitted to using the fraudulent Brazilian passport to seek admission upon arriving to Mexico with her parents. NASCIMIENTO-Alves claimed her legitimate passport was taken in Mexico by smugglers and the fraudulent passport was created in Brazil and given to FERREIRA-Alves by Vito. NASCIMIENTO-Alves stated it was her father's idea to travel to the U.S. and he made all the arrangements with Vito. NASCIMIENTO-Alves was told by her father that she needed to pose as a juvenile in order to enter and remain in the U.S. and she made no effort to correct the false biographical information given to USBP Agents by her father. NASCIMIENTO-Alves was aware her family owes Vito money but did not know how much or when the first payment was due. NASCIMIENTO-Alves agreed to lie about her age so she can study and work in the U.S.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact know to me concerning this investigation.